



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On May 22, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Paula Paul Hurley

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

PATENT  
Attorney Docket No.: 015270-006720US  
Client Ref. No.: 00154-US-CIP2

**RECEIVED**  
MAY 30 2003  
TECH CENTER 1600/2900

In re application of:

Games et al.

Application No.: 09/149,718

Filed: September 8, 1998

For: TRANSGENIC ANIMALS  
HARBORING APP ALLELE HAVING  
SWEDISH MUTATION

Examiner: D. Crouch

Art Unit: 1632

PETITION TO WITHDRAW THE  
HOLDING OF ABANDONMENT DUE TO  
NONRECEIPT OF OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to withdraw the holding of abandonment of USSN 09/149,718 on the grounds of nonreceipt by applicants of a Notice of Allowance allegedly mailed October 18, 2002. This petition is in accordance with the Notice at 1156 O.G. 53 (November 16, 1993).

Attached are declarations of the undersigned and Michelle Simone supporting the petition. The declarations establish that:

(a) the Notice of Allowance in question was not received by the undersigned prior to a notice of abandonment dated April 16, 2003; and

(b) a search of the prosecution file and docket records relating to the application indicates that the Notice of Allowance in question was not received prior to the date of the notice of abandonment; and

(c) a copy of the docket record where the Notice of Allowance in question would have been entered had it been properly received in due course is attached to the Simone declaration.

In accordance with the Notice, Applicants respectfully request that the abandonment of the present application be withdrawn because the subject Notice of Allowance was never received by Applicants' attorneys. Applicants further request that they now be sent a copy of the Notice of Allowance, and the period for response be restarted.

Please charge the petition fee pursuant to 37 C.F.R. §1.17(h) of 130.00 to our Deposit Account No. 20-1430. Please also deduct any additional fees associated with this paper from, or credit any overpayment to, our Deposit Account No. 20-1430. A duplicate copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,



Joe Liebeschuetz  
Reg. No. 37,505

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (650) 326-2400  
Fax: (650) 326-2422  
JOL:pfh  
PA 3306908 v1